

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 9-13, 2003

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-10	EX	76/369,765	Cleaners Products Supply, Inc.	Simms Cissel* Quinn	2(d)	Refusal Affirmed		"TRUE COUNT POLYBAGS" [poly propylene bags used for transit of dry cleaning from a dry cleaning facility and subsequent storage in a closet]	"POLY BAG" (in stylized lettering) [flexible plastic bag]	Corea	No
6-10	EX	76/243,538	Dan McCarthy	Simms* Hanak Hairston	2(d)	Refusal Affirmed		"PANORAMA" [windows with vinyl frames]	"PANORAMA" (and design) [patio doors, residential steel doors, door frames, and parts thereof—namely, astragals, molding and trim, all made primarily of metal]	Lincoski	No
6-10	OPP	124,000	Sleep-N-Aire Licensing Group, Inc.	Simms* Quinn Bucher	2(d)	Opposition Sustained	"SUPERIOR SLEEPRITE" (in stylized form) [institutional furniture consisting of dressers, chests, beds, desks, nightstands, bedside cabinets, chairs, settees, and tables]; "TO LIVE RIGHT SLEEP RITE" [beds]	"SLEEPRIGHT" [pillows for sale in retail outlets serving the general public, excluding institutional furniture and accessories therefor, including pillows]			No
6-10	OPP	118,342	Advance Magazine Publishers Inc. v. Ronay Brown	Hohein* Bucher Drost	2(d)	Opposition Dismissed	"GQ" and "GQ" (in design formats) [all used in connection with men's magazines dealing with fashion, entertainment, and other topics of general interest]	"G.Q. NAILS" [full beauty care salon for hands, feet, body, hair, and face]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 9-13, 2003 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-10	EX	75/708,751	Shirts Illustrated, L.L.C.	Seeherman* Quinn Rogers	2(e)(1); whether applicant's mark has become distinctive under Section 2(f)	Refusal Affirmed		"TINY TEDDY TEES" [clothing not sold as wearing apparel, but for stuffed and plush toy animals and toy figures, namely, miniature shirts, miniature t-shirts, screen printed miniature t-shirts, and custom printed miniature t-shirts]		Sappenfield	No
6-10	EX	75/638,401	Web-Dialogs, Inc.	Seeherman* Hairston Bottorff	Section 6 disclaimer requirement of the term "Web-Dialogs"	Refusal Affirmed		"WebDialogs" (and design) [computer programs for use in establishing live interaction sessions over local, national, and global information networks; computer hardware, namely, computer server]		I. Williams	No
6-11	EX	75/673,468	Trafalgar Holdings, Inc.	Cissel* Seeherman Chapman	2(d)	Refusal Affirmed		"SUN AIRWAYS" [transportation of persons, mail and freight by air on regularly scheduled flights over defined routes; air transportation services featuring bonus programs for frequent air travelers, namely, priority boarding, checking, seating and reservation services, ticket upgrades, and augmented frequent flyer mileage]	"SUN AIR" (and design) [airplane and helicopter charter services, namely, providing air transportation for government and industrial personnel and equipment, air shuttle transportation for executives, and flightseeing excursions; flight instruction and training]	Hall	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 9-13, 2003 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-11	OPP	91/118,372	The Goodyear Tire & Rubber Co. v. Continental General Tire, Inc.	Simms Hohein Bucher*	2(e)(1)	Opposition Sustained		"INTELLIGENT" [tires]			Yes
6-11	EX	75/599,525	WNBA Enterprises, LLC	Sams Cissel* Seeherman Quinn Hohein Hairston Bottorff Drost	Section 6 disclaimer requirement of the word MIRACLE (as descriptive under 2(e)(1)) [Note: applicant disclaimed ORLANDO when application was filed]	Refusal Reversed		"ORLANDO MIRACLE" (and design) [statistical books, guide books and reference books for basketball, magazines in the field of basketball, commemorative game programs, statistical sheets for basketball topics, newsletters and pamphlets in the field of basketball, <i>and other goods</i>]		Tolpin	Yes
6-12	EX	76/261,476	NTD Apparel, Inc.	Bucher Bottorff Drost*	2(d)	Refusal Affirmed		"KOALA BLUE" [wine, champagne, prepared alcoholic cocktails, liqueurs, sherry, port wines, prepared wine cocktails, wine coolers, and distilled spirits]	<i>2 cited registrations, both owned by the same entity: "KOALA" (in stylized form) [iced tea and red tea; non-carbonated fruit drinks, non-carbonated lemonade, sparkling spring water and fruit juice] and "KOALA" [sparkling fruit drinks]</i>	W.K. Price	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 9-13, 2003 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-12	EX	75/802,990	Groupe Dynamite, Inc.	Seeherman Hanak* Hairston	2(d)	Refusal Affirmed as to all three classes		"DYNAMITE STORES" [Class 18: handbags, knapsacks; Class 25: various clothing items including sweaters, pants, skirts, suede and leather jackets, t-shirts, and coats; Class 35: operation of retail clothing store]	2 cited registrations, owned by different entities: "DYNAMITE" [luggage] and "DYNAMITE KIDZ" [children's clothing, namely, shirts, pants, jackets, hats, socks, sweaters, shorts, and coats]	Engel	No
6-12	EX	76/409,880	Elegant Headwear Co., Inc.	Walters Chapman Drost*	2(d)	Refusal Affirmed		"BABY'S FIRST" [toddler single-piece sleepwear, baby bibs not of paper, hats, mittens, sweaters and visors]	"BABY'S FIRST" [infants' footwear]	Baird	No
6-12	EX	76/199,575	Mannington Mills, Inc.	Seeherman Hanak Drost*	2(e)(1)	Refusal Affirmed		"SCRATCHRESIST" [hardwood flooring which contains a coating in the nature of a wood floor finish]		Leipzig	No
6-12	EX	76/238,909	Beauty FX, Inc.	Seeherman Bucher Drost*	2(d)	Refusal Reversed		"COLOR FX" [cosmetics, specifically, nail polish, nail care preparations, eyeshadow, lip color, namely, lip gloss and lipstick, facial makeup, fragrances, namely perfumes and colognes, mascara, and non-medicated skin-care preparations]	"COLOR EFFECTS" [temporary hair color]	S. Kim	No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
June 9-13, 2003 (continued)

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
6-13	EX	75/435,108	Meramec Group, Inc.	Hohein Chapman* Rogers	2(d)	Refusal Affirmed as to both classes		"INDUSTRIAL STRENGTH POLYURETHANE" [<i>Class 20</i> : polyurethane furniture components, namely, chair arms, chair seats, and chair backs; <i>Class 25</i> : footwear components, namely, inserts for shoe soles and shoe heels]	"INDUSTRIAL STRENGTH" [orthopedic braces]	Rossman	No
6-13	CANC (SJ) (R)	92/26016	Sealtite Building Fasteners v. Larry Joseph Bogatz and B&B Hardware, Inc.	Quinn Hairston Rogers*	whether petitioner's Section 2(e)(1) ground for cancellation, asserted by way of amendment, was timely	Request for Reconsideration Granted; Decision of 7-1-02, granting the petition to cancel, set aside; 2(e)(1) ground for cancellation disallowed; Petition to Cancel Dismissed		"SEALTIGHT" [self-sealing nuts, bolts, screws, rivets, and washers, all having a captive o-ring, for use in the aerospace industry]			No

- (1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration
(2) *=Opinion Writer; (D)=Dissenting Panel Member